

REMARKS

Claims 1, 4-14, 16, and 18-20, as amended, are pending in this application. In this Response, Applicants have provided remarks that explain some of the differences between the present invention and the references cited by the Examiner. Specifically, the Examiner has failed to address a feature recited by both independent claims 1 and 14, which are conspicuously absent from the cited references. That is, the Examiner has failed to even address how the cited references teach or suggest a vent formed in the cover portion that is configured and dimensioned to vent air from the interior space. Moreover, Applicants have amended claims 1 and 14 to further clarify the vent feature of the present invention.

In light of the Examiner's failure to address the elements of the present invention recited by the claims, Applicants submit that the Examiner's rejections are moot. Accordingly, reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 102

At page 2 of the Office Action, the Examiner rejected claims 14, 16, and 18 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,179,144 to Abroy *et al.* ("Abroy"). For at least the reasons set forth below, Applicants submit that the Examiner's rejections have been overcome.

The Manual of Patent Examining Procedure (MPEP) explicitly states that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See* MPEP § 2100 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed Cir. 1987). In the Office Action mailed July 9, 2007, the Examiner has failed in this regard for the reasons set forth below.

In Applicant's response filed May 24, 2007, claim 14 was amended to recite that one embodiment of the present invention includes a vent formed in the cover portion and configured and dimensioned to vent air from the interior space. In the Office Action, however, the Examiner fails to address this feature of the present invention. *See* Office Action at Pages 2-3. In particular, the Examiner states that Abroy teaches "a vent formed in the cover portion 36, said vent being defined as the gap formed by member 60 of the cover portion 36 and the back portion, such as shown in Fig 4, a water diverting plate 96 disposed below the vent and on the back

portion.” *Id.* Conspicuously absent from the Examiner’s rejection, however, is an explanation of how Abroy teaches a vent that is configured and dimensioned to vent air from the interior space.

Indeed, Applicants submit that the Examiner’s failure to address this feature of the present invention stems from the fact that Abroy does not teach or suggest this feature. As explained in Applicants’ previous Responses, Abroy discloses an electrical enclosure that has a side hinged cover that is not defeated by the pressure of expanding internal gasses. *See Abstract.* Accordingly, the electrical enclosure disclosed by Abroy forms an air tight enclosure.

As described with respect to FIG. 12 of Abroy, the gasses produced inside the enclosure are permitted to escape when the gas pressure causes the corners 158 of the latched side cover 36 to be deflected slightly outward. *See Col. 5, lines 35-38 and FIG. 12.* In other words, the enclosure is air tight in its normal state. When the gasses inside the enclosure build up enough pressure, they cause the cover to be deformed slightly, which releases the internal gasses. The release of internal gas pressure is intended to prevent the enclosure from being damaged beyond repair due to stretching and distortion of the box top, bottom, and side walls. *See Col. 5, lines 38-43.* Thus, Abroy does not permit a continuous flow of air to flow into the enclosure, and thus does not prevent air pressure from increasing in the interior space.

In contrast, the present invention relates to a cabinet having a back portion fixedly connectable to a wall and a cover portion that cooperates with the back portion to form an interior space. *See, e.g.*, claim 14 and FIGS. 1-5. In one embodiment, the cover portion is detachably connected to the back portion using a hinge structure. *Id.* The hinge structure includes a pair of mounting brackets formed on opposite sides of the back portion. *Id.* The cover, which includes pivot pins, engages the mounting brackets to form the interior space. *Id.* In this manner, the cover may be easily removed to obtain access to any components that are positioned within the interior space. *Id.* When the cover portion is engaged with the back portion, a vent comprising a gap between the cover portion and the wall may be formed. *Id.*

Though the Examiner has failed to address each and every feature as recited by claim 14, Applicants have amended claim 14 to further clarify the present invention. Specifically, Applicants have amended claim 14 to clarify that the vent is configured and dimensioned to vent air from the interior space by allowing a substantially continuous flow of air into the cabinet. Because Abroy teaches an air tight enclosure, it does not allow a continuous flow of air into the

cabinet. Thus, Applicants submit that Abroy fails to teach or suggest the features recited by amended independent claim 14.

In light of failure of Abroy to teach each and every feature of the present invention as recited by claim 14, Applicants submit that the Examiner's rejection of claim 14 under 35 U.S.C. § 102 has been overcome. Applicants further submit that claims 16 and 18 are in condition for allowance at least by virtue of their dependency on claim 14, but also for additional novel features recited therein. Reconsideration and allowance is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

At pages 3-5 of the Office Action the Examiner rejected claims 1, 4-11, and 19-20 under 35 U.S.C. § 103(a) as being obvious over Abroy in view of U.S. Patent No. 4,223,965 to Palandrani ("Palandrani"). Applicants submit that the Examiner's rejections have been traversed for at least the reasons discussed below.

As a threshold matter, Applicants submit that the Examiner has failed to address each of the features recited by claim 1. In particular, the Examiner fails to address where Abroy or Palandrani teach or suggest a venting means for venting air from the interior space, for the reasons set forth above with respect to the § 102 rejection of claim 14. In addition, to facilitate allowance Applicants have amended claim 1 to clarify that the venting means is configured and dimensioned to prevent air pressure from increasing in the interior space.

As discussed in detail above, Abroy discloses an enclosure that is air tight, and therefore allows air pressure to increase within the enclosure. Because Palandrani fails to cure the deficiencies of Abroy discussed above, *i.e.*, there is no disclosure of a vent formed in the manner recited in claim 1, Applicants submit that the Examiner's rejections under 35 U.S.C. § 103 have been traversed. As such, reconsideration and allowance of the pending claims is respectfully requested.

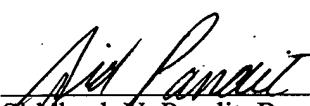
CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for a three-month Extension of Time is submitted herewith, extending the time to respond to and including January 9, 2008. A Fee Sheet Transmittal is also submitted herewith to pay for the Extension of Time. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 50-4047, Order No. 15772.0006.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

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By: 

Siddhesh V. Pandit, Registration No. 58,572
BINGHAM MCCUTCHEN LLP
2020 K Street, NW
Washington, DC 20006
(202) 373-6513 Telephone
(202) 373-6001 Facsimile